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Gregory J. Koerner Redwood Patent Law 1291 East Hillsdale Boulevard Suite 205 Foster City, CA 94404			EXAMINER KOVACEK, DAVID M	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/805,781	<b>Applicant(s)</b> ABREGO ET AL.	
	<b>Examiner</b> David Kovacek	<b>Art Unit</b> 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-51 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

1. This Office Action is response to applicant's Amendment, filed 11/12/2008, in which the applicant amends **claims 1, 21, and 41-47** and presents arguments for patentability of the claims over the previously cited prior art.

### *Response to Amendment*

2. The applicant's amendments to **claims 1, 21, and 41-47** have been considered and are accepted. It is noted by the examiner that the current amendments substantially change the scope of the limitations of the claims as previously presented. It is noted by the examiner that formal acceptance of the conditions of the claims is not an indication of allowability of the claims over the prior art. Appropriate rejections are included in this Office Action in the relevant sections below.

3. Upon re-consideration, and in view of the applicant's amendments, the previous objects to **claims 1, 21, 41-43, and 44-47** are withdrawn. It is noted by the examiner that the inclusion of intended use language in the claims does not necessarily comprise a patentable limitation of subject matter. See MPEP §2106.

***Response to Arguments***

4. Applicant's arguments filed 11/12/2008 have been fully considered but they are not persuasive.

The applicant first directs arguments to the previous rejection of **claim 49** under 35 USC §112, First Paragraph. Specifically, the applicant argues that the previous usage of the limitations of `label amplitude` and `label duration` are properly supported in the specification with the disclosure of "certain predetermined criteria such as `label amplitude` or `label duration`" at page 15, lines 23-29 of the instant specification.

While the examiner accepts this disclosure of the disputed terms is present within the instant specification, they are not presented with such a description that they are not unclear to one of ordinary skill in the art. As noted in the previous Office Action:

While the examiner notes that the applicant has correctly directed attention to the Specification's disclosure of the terms "`label amplitude`" and "`label duration`", mere mention of terms presented in the claims do not necessarily fulfill the requirements of 35 USC §112, First Paragraph to reasonably convey to one skilled in the relevant art the implementation of the invention. While the examiner admits that the applicant has included the usage of "`label amplitude`" and "`label duration`" in the Specification, such terms are not well-known in the art such that one of ordinary skill in the art would recognize

them as having a generally accepted meaning (Response to Remarks of 06/30/2008: Page 3, paragraph 02).

The examiner contends that the applicant has not properly addressed this consideration in any previous or current argument. In particular, it is noted by the examiner that "labels" of the claims are in fact text data, which is understood to be a static configuration of digital bits. It is therefore unclear how "amplitude" and "duration" are applicable to a static configuration of digital bits. The examiner notes that the applicant is permitted to act as a lexicographer, but no explicit description of the applicability of these parameters to the text data of the claimed labels is found within the specification as required.

It is noted by the examiner that applicant further argues that "the terms 'amplitude' and 'duration' are standard parameters for electronic signals (Remarks of 11/12/2008: Page 18, paragraph 01)." The examiner agrees with this assessment in the context of time-varying signals, such as analog domain audio signals. For static configurations of bits, such as stored text data, the examiner maintains that it would not be known to one of ordinary skill in the art how parameters such as "amplitude" and "duration" would be applicable: "amplitude" is generally considered a parameter to describe the range of value differences applicable to a signal, and "duration" is generally considered a parameter to describe the temporal measurement of time required to properly observe a time-varying signal. In these known contexts to one of ordinary skill in the art it remains

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unclear how these parameters may be applied to text data comprising static configurations of bits.

The applicant next argues with respect to the previous rejection of **claims 1, 21 and 41-47** under 35 USC §102(e) in view of Newman (US PG PUB 2003/0101156; cited previously).

Specifically, the applicant argues that Newman is insufficient to teach said labels being text conversions of utterances in said narration, said labels being specifically aligned with corresponding ones of said respective subject matter locations within said audio/video data **and** a label search mode for utilizing said labels to locate said respective subject matter locations in said audio/video data (See Remarks of 11/12/2008: Page 19, paragraph 01).

The applicant first particularly asserts that "Newman nowhere discloses creating text labels from a user narration specifically *"for utilizing said labels to locate said respective subject matter locations in said audio/video data [emphasis in original]* (Remarks of 11/12/2008: Page 19, paragraph 02)." The applicant further asserts that "The audio recording of Newman is nowhere used for performing any sort of label search operation...Newman fails to teach 'a label search mode for utilizing said labels to locate said respective subject matter locations in said audio/video data' [emphasis in original] (Page 19, paragraph 03)."

The examiner contends that the applicant has not properly disputed the previous citation of a "selective retrieval" aspect of the data as taught by Newman (Page 2, paragraph 0017). In particular, Newman discloses conversion of audio files to text files which can be used for reporting data, including selective retrieval and display of desired data (Page 2, paragraph 0017; Page 2, paragraph 0022 - Page 3, paragraph 0025).

The examiner contends that the disclosure of Newman implies to one of ordinary skill in the art a selective retrieval of data in an analogous form to the label search mode as presented in the limitations of the claims of the instant invention. In particular, one of ordinary skill in the art would consider a label search of text files for selective display as cited above (Page 2, paragraph 0022 - Page 3, paragraph 0023) in instances where a selection must be made from a particularly large collection of stored information. The limitations of the claims, as currently presented, merely require utilization of labels to locate respective subject matter locations in audio/video data. The examiner maintains that such disclosure is present in Newman, comprising at minimum the teachings of using a "full database" of description files associating audio/photo/video files with other digital data (Page 2, paragraph 0016), such as the converted text data explicitly taught (Page 2, paragraph 0017) used for both selective retrieval and reporting of data (Page 2, paragraph 0018 - Page 3, paragraph 0025). The examiner further contends that at minimum, one of ordinary skill in the art would consider the usual, ordinary meaning of "selective retrieval" to include some form of data search to provide a filtered set of retrieval results, such as in the teachings of Newman. Newman further describes the use of "tags" of data, which one of ordinary skill in the art would understand to include

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the text conversions of audio input, in said selective retrieval (Page 3, paragraph 0033).

As noted by the examiner in the previous Office Action, starting on Page 5, paragraph 05:

“...the disclosure of Newman includes a "selective retrieval" and/ or "selective display" of audio, photo and/or video information (Page 2, paragraph 0022- Page 3, paragraph 0023). Selection of data from a larger set of data inherently requires some method of searching for the purpose of discrimination between the selected data and the larger set of data. Therefore, the disclosure of Newman inherently requires a searching procedure in disclosing a selective retrieval and display.

Furthermore, Newman further teaches the use of labels [tags] in providing identification of audio, photo and/or video information (Page 3, paragraph 0033), including such tags as time/date of data generation. Such tags are well-known in the art of media organization as being useful for the purpose of search and selective retrieval. It is further noted that Newman explicitly discloses the usage of such tags for the purposes of accessing and display and/or playback of media data (Page 1, paragraph 0002). Therefore, the examiner maintains that Newman implies the usage of labels [tags] for the purposes of searching during selective retrieval and/or selective display, as noted in the previous Office Action.”



The examiner maintains that the applicant has not provided any direct arguments, evidencing, reasoning, or other rationale to distinguish these teachings of Newman from the limitations of the instant claims to one of ordinary skill in the art.

It is noted by the examiner that the applicant relies on analogous arguments with respect to **claims 2, 4, 8, 10, 15-17, 21-22, 24, 28, 30, 35-37, 41-47 and 50**. The examiner further notes that no further arguments or reasoning are presented in the Remarks of 11/12/2008 to show patentability of any of the above claims as patentable over Newman with respect to the limitations unique to any of the same.

The applicant next argues with respect to the rejections **claims 5-6, 9 and 51** under 35 USC §103(a) in view of Newman that “the Examiner repeated states that Newman ‘further renders obvious’ various claimed limitations without providing any specific references for support” and that “elements of the rejected claims have not been adequately addressed with corresponding citations to a proper reference” despite the fact that “the Examiner contends that he is not utilizing Official Notice without expressly stating so (Remarks of 11/12/2008: Page 22, paragraph 03).” The applicant further “respectfully request the Examiner to cite specific references in support of these rejections, and failing to do so, to reconsider and withdraw the rejections...”

The examiner maintains that the previous rejections of **claims 5-6, 9 and 51** in view of Newman are not inappropriate given a standard of obviousness and that

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appropriate sections of the reference were in fact referenced in support of the previous rejection and given proper illustration of the analysis regarding why such teachings would render obvious the applicable limitations to one of ordinary skill in the art at the time the invention was made. The examiner further contends that this particular argument is immaterial without further reasoning, evidence, or arguments that show to either distinguish the teachings of Newman from the limitations of the claims or to show how said teachings are improperly applied under a standard of obviousness to one of ordinary skill in the art.

The applicant is further reminded that the standard of obviousness does not require an explicit disclosure of all the limitations of the claim, but rather a combination of the explicit, implicit, and inherent teachings of the references and what would have been known to one of ordinary skill in the art at the time the invention was made. The examiner maintains that a full analysis of the rejections under the standards of obviousness using the teachings of Newman is included below in the relevant sections of this Office Action.

The applicant next argues the teachings of Newman and Belrose (US PG PUB 2003/0144843; cited previously) are insufficient in combination to properly render obvious the limitations of **claims 3, 14, 18-20, 23, 34 and 38-40**. It appears that the applicant is relying upon the dependency of these claims on independent claims which the applicant has asserted to be patentable over the prior art. The applicant makes no specific arguments regarding the limitations of **claims 3, 14, 18-20, 23, 34, and 38-40**

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independent of the previous arguments regarding one or more parent claims.

Therefore, the arguments with regards to these claims is considered identical to the arguments directed to the parent claims as specified, and are not persuasive for the same reasons. It is noted by the examiner these arguments had been presented in the previous Office Action in rebuttal to similar arguments of the applicant in the Remarks of 06/30/2008 and were not directly disputed in the remarks of 11/12/2008.

The applicant next argues that the rejection of **claims 7, 12-13, 27, and 32-33** under 35 USC §103 are patentable over Newman in view of Nicholson (US PG PUB 2002/0067859, cited in a previous Office Action).

Firstly, it appears that the applicant is relying upon the dependency of these claims on independent claims which the applicant has asserted to be patentable over the prior art. The applicant makes no specific arguments regarding the limitations of **claims 7, 12-13, and 32-33** independent of the previous arguments regarding one or more parent claims. Therefore, the arguments with regards to these claims is considered identical to the arguments directed to the parent claims as specified, and are not persuasive for the same reasons.

Secondly, the applicant further argues that Nicholson is not directed toward any field of endeavor that remotely resembles that of Applicants' invention...Nicholson does not pertain to any sort of digital videography techniques... [a]pplicants therefore submit that Nicholson is non-

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analogous art, and is therefore not relevant with respect to Applicants' claimed invention

(Remarks of 06/28/2008: Page 23, paragraph 1).

The examiner contends that the invention as claimed is not directed principally to videography, but instead to techniques for organizing, handling, and storing media data using labels. Nicholson is directed to a system of organizing and processing image media using labels. The applicant is reminded that video data is in essence a sequence of single photographic images, not unlike the media handled in the system taught by Nicholson. In this regard, the examiner contends that the teachings of Nicholson are in fact directed to a similar field of invention, said field of invention being organization, handling, and storage of media data. It is noted by the examiner these arguments had been presented in the previous Office Action in rebuttal to similar arguments of the applicant in the Remarks of 06/30/2008 and were not directly disputed in the remarks of 11/12/2008.

Even assuming, *arguendo*, that the instant invention is indeed principally directed to the field of videography, the examiner contends that the teachings of Nicholson are additionally applicable to the field of image processing (Abstract). With respect to the instant invention, video data would be considered by one of ordinary skill in the art to be a temporally arranged sequence of static images, in either the analogue or the digital domain. In this regard, the examiner further argues that the teachings of Nicholson are inherently related to the field of video processing because one of ordinary skill in the art would be able to easily apply the teachings of Nicholson to any single self-contained image in a series of image related to a set of video data. In this regard, the examiner

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contends that the teachings of Nicholson are not directed outside the art of the instant invention.

Thirdly, the applicant argues that Nicholson nowhere teaches utilizing the converted labels for locating corresponding recorded video information. The applicant is reminded that in the previous rejection of **claims 7, 12-13, 27, and 32-33** that Nicholson was not relied upon for this limitation of said claims, and that this limitation was found in the teachings of Newman, as applied above. Therefore, this argument is immaterial to the rejection of said claims in the previous Office Action. It is noted by the examiner these arguments had been presented in the previous Office Action in rebuttal to similar arguments of the applicant in the Remarks of 06/30/2008 and were not directly disputed in the remarks of 11/12/2008.

Lastly, the applicant makes arguments against the previous rejection of **claims 11, 31 and 48** under 35 USC §103 as being unpatentable over Newman in view of Adams (US PG PUB 2004/0008209, cited in a previous Office Action).

Applicant makes note of the teachings of Adams for a "multi-media photo album" that allows a user to manually select stored audio data corresponding to a given photograph (Remarks of 06/30/2008, Page 23, paragraph 4). The applicant appears to have disregarded the disclosure of Adams directed to automatic generation of labels [meta-data] (Page 3, paragraphs 0074-0080), as cited in the rejections of the previous Office

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Action. Though Adams does teach a manual operation of a multi-media photo album, such teachings in no way invalidate the disclosure of automatic operation of the same.

It further appears that the applicant is relying upon the dependency of these claims on independent claims which the applicant has asserted to be patentable over the prior art. The applicant makes no specific arguments regarding the limitations of **claims 11, 31 and 48** independent of the previous arguments regarding one or more parent claims. Therefore, the further arguments with regards to these claims is considered identical to the arguments directed to the parent claims as specified, and are not persuasive for the same reasons. It is noted by the examiner these arguments had been presented in the previous Office Action in rebuttal to similar arguments of the applicant in the Remarks of 06/30/2008 and were not directly disputed in the remarks of 11/12/2008.

For at least the above reasons, the applicant's arguments are found to be non-persuasive. Appropriate rejections of the claims are provided in the relevant sections below.

### ***Claim Rejections - 35 USC § 112***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. **Claim 49** is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Specifically, **claim 49** contains reference to both a label amplitude parameter and a label duration parameter. It is noted by the examiner that the labels are established as text data according a limitation of parent **claim 1**. No description of either a "label amplitude parameter" or "label duration parameter" was found by the examiner in the specification of the present application. The examiner further contends that it would be unclear to one of ordinary skill in the art how to relate parameters such as "amplitude" or "duration" to text data such as the labels disclosed in the instant application, though both parameters are well known in the art in relation to speech data.

For these reasons, the examiner contends that the limitations of **claim 49** in the instant application are not in compliance with the written description requirement of 35 USC §112, first paragraph.

**Claim 49** is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not

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described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Specifically, **claim 49** contains reference to both a label amplitude parameter and a label duration parameter. It is noted by the examiner that the labels are established as text data according a limitation of parent **claim 1**. No description of either a "label amplitude parameter" or "label duration parameter" was found by the examiner in the specification of the present application that would enable one of ordinary skill in the art to make use of the invention as presented in the limitations of **claim 49**. The examiner further notes that neither "label amplitude parameter" nor "label duration parameter" are terms that are well-known in the art, and therefore necessitate a proper description and/or definition of each to ensure that the specification teaches all limitations of **claim 49**. The examiner further contends that it would be unclear to one of ordinary skill in the art how to relate parameters such as "amplitude" or "duration" to text data such as the labels disclosed in the instant application, though both parameters are well known in the art in relation to speech data.

For these reasons, the examiner contends that the limitations of **claim 49** in the instant application are not in compliance with the written description requirement of 35 USC §112, first paragraph because they do not enable one of ordinary skill in the art to make use of the invention as claimed.

***Claim Rejections - 35 USC § 102***



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7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. **Claims 1-2, 4, 8, 10, 15-17, 21-22, 24, 28, 30, 35-37, 41-47 and 50** are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Application Publication 2003/0101156, hereinafter referred to as Newman.

Regarding **claim 1**, Newman discloses a system for cataloguing information comprising:

- an electronic device that captures audio/video data corresponding to a photographic target [data acquisition device] (Col. 2, paragraphs 0012-0014; Col. 3, paragraph 0032),
- said audio/video data [Audio, photo and/or video; APV data] including a narration [audio messages] concurrently provided by a narrator specifically to identify where respective subject matter locations are positioned in said audio/video data [selectively retrieved] (Col. 2, paragraphs 0019, 0022-0023, 0025; Col. 3, paragraphs 0032-0033);
- a speech recognition engine that automatically performs a speech recognition process upon said narration to generate labels [tags] that correspond to said respective subject

matter locations in said audio/video data (Page 2, paragraph 0017; Page 3, paragraphs 0025, 0033),

- said labels being text conversions of utterances in said narration [converting audio files to text files] (Page 2, paragraph 0017; Page 3, paragraph 0025; Page 3, paragraph 0033 – Page 4, paragraph 0036),
- said labels each being specifically aligned with corresponding ones of said respective subject matter locations within said audio/video data [storing message with data; logs with indicators; tags for identification data] (Page 2, paragraphs 0013, 0017, 0019; Page 3, paragraph 0033);
- a label manager [accessing apparatus] that manages a label mode for generating and storing said labels (Page 3, paragraph 0033; Page 4, paragraphs 0035, 0038; Claim 1),
- said label manager also controlling a label search mode for utilizing said labels to locate said respective subject matter locations in said audio/video data [selectively retrieved] (Page 2, paragraph 0022 – Page 3, paragraph 0023; Page 3, paragraph 0033; Page 4, paragraphs 0038-0039).

Though Newman does not explicitly disclose that tag information is used to help locate data in a storage device, this is implied in disclosing the use of tags to provide identification such as user information and/or date and time of file creation (Page 3, paragraph 0033) because such information is well known in the art for use in selectively

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finding data in a database, and Newman explicitly teaches the selectively searching for data in the database (Page 3, paragraph 0023).

Selection of data from a larger set of data inherently requires some method of searching for the purpose of discrimination between the selected data and the larger set of data. Therefore, the disclosure of Newman inherently requires a searching procedure in disclosing a selective retrieval and display.

Furthermore, Newman further teaches the use of labels [tags] in providing identification of audio, photo and/or video information (Page 3, paragraph 0033), including such tags as time/date of data generation. Such tags are well-known in the art of media organization as being useful for the purpose of search and selective retrieval. It is further noted that Newman explicitly discloses the usage of such tags for the purposes of accessing and display and/or playback of media data (Page 1, paragraph 0002). Therefore, the examiner contends that Newman implies the usage of labels [tags] for the purposes of searching during selective retrieval and/or selective display.

It is noted by the examiner that though Newman does not explicitly disclose that said labels are specifically created for locating said respective subject matter locations, this is inherent in the teachings of Newman to use identification such as user information and/or date and time of file creation (Page 3, paragraph 0033), because such information is always capable of providing a method of locating subject matter [data], such as in the selective retrieval disclosed by Newman (Page 3, paragraph 0023).

Regarding **claim 2**, Newman discloses all limitations of **claim 1** as applied above, and further discloses that said electronic device is implemented as an audio/video camcorder device [video camera] (Page 2, paragraphs 0014, 0021; Page 3, paragraph 0032).

Regarding **claim 4**, Newman discloses all limitations of **claim 1** as applied above, and further discloses that said label manager initially instructs said electronic device to enter a real-time label mode [data acquisition devices read at a fixed time interval] for creating and storing said labels [tags] (Page 3, paragraphs 0032-0033), said electronic device concurrently [run continuously or run selectively at desired times] capturing said audio/video data and said narration after said label manager instructs said electronic device to enter said real-time label mode (Page 3, paragraph 0032).

Regarding **claim 8**, Newman discloses all limitations of **claim 1** as applied above, and further discloses that said label manager stores said labels during a real-time label mode, said labels being stored along with meta-information that associates each of said respective subject matter locations to a corresponding one of said labels [date and time] (Page 3, paragraph 0033).

Regarding **claim 10**, Newman discloses all limitations of **claim 1** as applied above, and further discloses that said label manager instructs said electronic device to enter a non-real-time label mode [data access after operation is complete] for creating and storing said labels [data review], said electronic device responsively retrieving and playing back said audio/video data and said narration (Page 4, paragraph 0035-0037).

Regarding **claim 15**, Newman discloses all limitations of **claim 1** as applied above, and further discloses that said label manager stores said labels in a non-real-time label mode, said labels being stored along with meta-information that associates each of said respective subject matter locations to a corresponding one of said labels [tags] (Page 3, paragraph 0032-0033; Page 4, paragraph 0035-0037).

Regarding **claim 16**, Newman discloses all limitations of **claim 1** as applied above, and further discloses that said label manager instructs said electronic device to enter said label search mode during which a system user interactively selects a search label for performing a label search procedure to locate a specific one of said respective subject matter locations corresponding to said search label [selectively retrieved] (Page 2, paragraphs 0022-0023; Page 3, paragraph 0032; Page 4, paragraph 0038).

Though Newman does not explicitly disclose that tag information is used to help locate data in a storage device, this is implied in disclosing the use of tags to provide identification such as user information and/or date and time of file creation (Page 3, paragraph 0033) because such information is well known in the art for use in selectively finding data in a database, and Newman explicitly teaches the selectively searching for data in the database (Page 3, paragraph 0023).

Regarding **claim 17**, Newman discloses all limitations of **claim 1** as applied above, and further implies that said label manager generates a label-search GUI on a display of said electronic device, a system user viewing said labels and corresponding representative images [icons] from said audio/video data for selecting a search label (Page 4, paragraph 0035-0038) in disclosing that the data retrieval system as disclosed by Newman includes a selective display capability for presenting relevant data to a user.

Regarding **claims 21-22, 24, 28, 30, and 35-37**, these claims are very similar to **claims 1-2, 4, 8, 10, and 15-17** respectively as applied above, and are rejected for the same reasons.

Regarding **claims 41-42 and 44-47**, each of these claims is very similar to **claim 1** as applied to above, and is rejected for the same reasons.

Regarding **claim 43**, this claim contains limitations very similar to those found in a combination of **claims 1, 8, 13, and 15**, which are all addressed by Newman individually, and therefore **claim 43** is rejected for the same reasons.

Regarding **claim 50**, Newman discloses all limitations of **claim 17** as applied above, and further disclose that said representative images are implemented as thumbnail images [icons corresponding to an image related to data] (Page 4, paragraphs 0037, 0039).

### ***Claim Rejections - 35 USC § 103***

9. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

10. **Claims 5-6, 9 and 51** are rejected under 35 U.S.C. 103(a) as being unpatentable over Newman.

Regarding **claim 5**, Newman discloses all limitations of **claim 1** as applied above, and further renders obvious that said electronic device enters a real-time label mode in response to a verbal label-mode command from a system user, said verbal label-mode command being recognized and provided to said label manager by said speech

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recognition engine in disclosing a system for labeling [tags] data (Page 3, paragraph 0033) that is responsive to selective searching (Page 2, paragraph 0022 – Page 3, paragraph 0023), and additionally includes voice recognition components for entering data (Page 3, paragraph 0025).

Because Newman teaches both verbal commands of the system, and also teaches labeling data, both elements of the claim are known in view of the teachings of Newman. Furthermore, speech control is one of a finite number of input methods for the system as taught by Newman and there is reasonable expectation of success for one of ordinary skill in the art to adapt the speech control disclosure of Newman to accommodate input of label [tag] data. The examiner further contends that any system that operates on the time-dependent basis of voice-input must inherently operate in real-time for proper functional operation to the end-user. Therefore, because Newman teaches all components of the limitations of **claim 5**, including a verbal command mode as one of a finite number of inputs to the system and an input of label data mode, and one of ordinary skill in the art would have no reason not to expect success in adapting the verbal commands to include input of label data, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the teachings of Newman to accommodate greater flexibility of data input by doing so.

Regarding **claim 6**, Newman discloses all limitations of **claim 1** as applied above, and further renders obvious that said speech recognition engine automatically generates said labels as said electronic device



captures said audio/video data and said narration (Page 2, paragraph 0017; Page 3, paragraph 0032-0033; Page 4, paragraph 0036) by disclosing user access in real-time operation (Page 4, paragraph 0036), that said real-time operation includes the creation of labels [tags] (Page 3, paragraph 0033), and also that the system is implemented in such a way that it is operable by speech recognition methods (Page 2, paragraph 0022 - Page 3, paragraph 0023; Page 3, paragraph 0025).

Because Newman teaches both verbal commands of the system, and also teaches labeling data in real-time, all elements of the claim are known in view of the teachings of Newman. Furthermore, combining such elements as taught by Newman would yield predictable results, and one of ordinary skill in the art would have no reason not to expect success in attempting to do so in view of the teachings of Newman.

Therefore, the examiner contends that it would have been obvious for one of ordinary skill in the art in view of Newman to modify the real-time operation of Newman to include creation of labels [tags] in real-time using voice recognition during capture of audio/video data in order to accommodate greater flexibility of data input by doing so.

Regarding **claim 9**, Newman discloses all limitations of **claim 1** as applied above, and further renders obvious that said electronic device initially captures said audio/video data and said narration prior to entering said label mode (Page 3, paragraph 0033; Page 4, paragraph 0036) by disclosing label creation [user data access] need not be concurrent with initial capturing of audio/video data [APV files] (Page 4, paragraph 0036), and that the data

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may be stored for later user access (Page 4, paragraph 0035). Motivation to allow for later labeling [tags] of the data is disclosed by Newman in disclosing the need to allow users not present to access and organize audio/video data at a later time (Page 4, paragraph 0035-0036).

Therefore, the examiner contends that it would have been obvious for one of ordinary skill in the art to modify the teachings of Newman in order to allow users not present for the initial data capture to access and organize data using tag information at a later date.

Regarding **claim 25**, this claim is very similar to **claim 5** and is rejected for the same reasons.

Regarding **claim 26**, this claim is very similar to **claim 6** and is rejected for the same reasons.

Regarding **claim 29**, this claim is very similar to **claim 9** and is rejected for the same reasons.

Regarding **claim 51**, Newman discloses all limitations of **claim 1** as applied above, and further renders obvious that said electronic device is a single discrete video camcorder that hosts said speech recognition engine, said label manager, said labels, and said audio/video

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data (Page 1, paragraph 0006; Page 2, paragraphs 0014-0015, 0021; Page 3, paragraph 0032) in disclosing the inclusion of a camcorder as a device for initial data capture [video camera] (Page 2, paragraph 0014; Page 3, paragraph 0033), and that the system can be embodied in a single device (Page 1, paragraph 0006).

Because all limitations of the claim are taught by Newman, they would have been known to one of ordinary skill in the art in view of Newman at the time the invention was made. Furthermore, motivation to combine the elements taught in Newman would exist because it is well-known in the art to integrate functionality of system into a single portable device to increase convenience and transportability of said system. Therefore the examiner contends that it would have been obvious to one of ordinary skill in the art in view of Newman to combine the elements of Newman in order to implement a single device encapsulating all elements of the system disclosed by Newman for the purpose of increasing convenience and transportability of said system.

11. **Claims 3, 14, 18-20, 23, 34, and 38-40** are rejected under 35 U.S.C. 103(a) as being unpatentable over Newman in view of Belrose (US Patent Application Publication 2003/0144843), cited in a prior Office Action.

Regarding **claim 3**, Newman discloses all limitations of **claim 1** as applied above. Newman does not disclose, but Belrose discloses:

- said speech recognition engine is configured in a simplified configuration [specific queries] that efficiently

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compares said narration with acoustic models to identify phone strings [recognizing a user information request] that represent said narration [speech input] (Page 2, paragraph 0030; Page 3, paragraphs 0047, 0051-0052),

- said speech recognition engine referencing a compact dictionary to look up recognized vocabulary words that correspond to said phone strings [one or more queries] (Page 3, paragraph 0048),
- said speech recognition engine utilizing a limited set of recognition grammar to form said recognized vocabulary words into said labels [label for a feature] that are supported by said speech recognition engine (Page 6, paragraph 0106).

The two references are combinable because each is directed to a system for capturing, storing, and browsing audio and/or video data and organizing said data using labels for ease of access to said data. Belrose further provides motivation to combine the references in disclosing the utility of encapsulating such a system into a mobile device [cellular telephone] operable using voice commands (Page 1, paragraph 0003) to allow free mobility of the system.

Therefore, the examiner contends that it would have been obvious to combine the teachings of Newman with the teachings of Belrose in order to implement a media

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browser organized using labels that is further encapsulated into a mobile device operable using voice commands to allow free mobility of the system.

Regarding **claim 14**, Newman discloses all limitations of **claim 1** as applied above. Newman does not disclose, but Belrose discloses that said label manager coordinates a label validation procedure for validating said labels in response to verbal validation commands from a system user [identification], said verbal validation commands being recognized and provided to said label manager by said speech recognition engine [determine the nature of the information to be recorded] (Page 6, paragraph 0098-0108).

This limitation is directly related to the voice command input limitation disclosed by Belrose as applied above to **claim 3**. Therefore, the motivation to combine the references is the same for **claim 14** as applied above for **claim 3**.

Regarding **claim 18**, Newman discloses all limitations of **claim 1** as applied above. Newman does not disclose, but Belrose discloses that a system user selects a search label by issuing a verbal search-label command [hotspot label], said verbal search-label command being recognized and provided to said label manager by said speech recognition engine (Page 6, paragraph 0106; Page 7, paragraphs 0110-0113).

This limitation is directly related to the voice command input limitation disclosed by Belrose as applied above to **claim 3**. Therefore, the motivation to combine the references is the same for **claim 18** as applied above for **claim 3**.

Regarding **claim 19**, Newman discloses all limitations of **claim 1** as applied above. Newman does not disclose, but Belrose discloses that said label manager instructs said electronic device to automatically locate and retrieve a specific one of said respective subject matter locations in response to a system user selecting a search label [hotspot dialogue blocks] (Page 6, paragraphs 0106-0108).

Regarding **claim 20**, Newman discloses all limitations of **claim 1** as applied above. Newman does not disclose, but Belrose discloses that said electronic device automatically plays back a specific retrieved one of said respective subject matter locations [greeting dialog block specific to narrator] from said audio/video data for viewing by said system user (Page 6, paragraphs 0097-0100).

Regarding **claim 23**, this claim is very similar to **claim 3** and is rejected for the same reasons.

Regarding **claim 34**, this claim is very similar to **claim 14** and is rejected for the same reasons.

Regarding **claims 38-40**, these claims are very similar to **claims 18-20** respectively and are rejected for the same reasons.

12. **Claims 7, 12-13, 27, and 32-33** are rejected under 35 U.S.C. 103(a) as being unpatentable over Newman in view of Nicholson (US Patent Publication Application 2002/0067859), cited in the previous Office Action.

Regarding **claim 7**, Newman discloses all limitations of **claim 1** as applied above. Newman does not disclose, but Nicholson discloses a post processor [digital processor] operating in real-time to perform a validation procedure for the labels based upon confidence measures [threshold confidence level] (Page 2, paragraph 0012).

The two references are combinable because each is directed to a system for retrieving media data using labels for the purpose of allowing better organization of said data. Nicholson further provides motivation to combine in disclosing the utility of a system that is able to discriminate between identifiable and non-identifiable data for the purpose of maintaining a high level of recognition by the user of decoded data with a minimal additional storage cost (Page 2, paragraph 0014).

Therefore, the examiner contends that it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of

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Newman and Nicholson in order to implement a system for retrieving media data using labels that utilizes discrimination between identifiable and non-identifiable data in order to maintain a high level of user recognition of decoded data with minimal additional storage costs.

Regarding **claim 12**, this claim is very similar to **claim 7** and is rejected for the same reasons.

Regarding **claim 13**, Newman discloses all limitations of **claim 1** and additionally discloses a validation graphical user interface [display] allowing users to evaluate, delete, and edit labels [tags] (Page 4, paragraphs 0035-0037).

Newman does not disclose, but Nicholson discloses coordinating a label validation procedure for validating said labels (Page 2, paragraph 0012).

The limitations of **claim 13** are very similar to those of **claim 7**, and therefore the motivation to combine the references is the same for **claim 13** as for **claim 7**.

Regarding **claim 27**, this claim is very similar to **claim 7** and is rejected for the same reasons.

Regarding **claims 32-33**, these claims are very similar to **claims 12-13** respectively, and each is rejected for the same reasons respectively.



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13. **Claims 11, 31, and 48** are rejected under 35 U.S.C. 103(a) as being unpatentable over Newman in view of Adams (US Patent Application Publication 2004/0008209), cited in a previous Office Action.

Regarding **claim 11**, Newman discloses all limitations of **claim 1** as applied above. Newman does not disclose, but Adams discloses automatically [addressing devices automatically] generating labels [meta-data] by analyzing audio/video data and narration data during playback of said audio/video data and said narration data (Page 3, paragraph 0074-0080).

The two references are combinable because each is directed to a system for storage and retrieval of media data. Adams provides motivation in disclosing the utility of providing automated association of meta-data to audio/video data in order to allow for more efficient organization of audio/video data (Page 6, paragraph 0111).

Therefore, the examiner contends that it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Newman and Adams in order to implement a system for storage and retrieval of media data that utilizes automated association of meta-data to said media data in order to allow for more efficient organization of said media data.

Regarding **claim 31**, this claim is very similar to **claim 11** and is rejected for the same reasons.

Regarding **claim 48**, Newman discloses all limitations of **claim 8** as applied above. Newman does not disclose, but Adams implies the use of video timecode information as a component of said meta-data in disclosing the storage of meta-data that comprises arrangement data with regard to media data such as video data (Page 3, paragraph 0079), because timecode information is a well-known and readily-available method of arranging frames of video data.

The motivation to combine the references as applied to **claim 48** is the same as applied above to **claim 11**, because each claim presents limitations that are applicable to the automatic arrangement and organization of data and meta-data on a storage component of a media data retrieval system.

### ***Conclusion***

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Kovacek whose telephone number is (571)270-3135. The examiner can normally be reached on M-F 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David R Hudspeth/  
Supervisory Patent Examiner, Art Unit 2626

DMK, 02/25/2009